

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD JORDAN, ROBERT McKAY,
and THE MBTA POLICE
PATROLMAN'S UNION,

Plaintiffs,

vs.

JOSEPH C. CARTER, individually and
as Chief of the MBTA Police
Department and THE MBTA POLICE
DEPARTMENT,

Defendants.

Civil Action No. 04-10927-RGS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, defendants respectfully move for summary judgment on all remaining claims. There is no genuine issue of material fact and defendants are entitled to judgment as a matter of law. the grounds for this motion are more fully set forth in the accompanying memorandum of law and a statement of undisputed facts in accordance with Local Rule 56.1.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendants respectfully request that the Court permit argument on this motion.

CERTIFICATE OF CONSULTATION

The undersigned hereby certifies, in accordance with Local Rule 7.1(A)(2), that he spoke to counsel for the plaintiffs on December 15, 2006, but that the parties were unable to eliminate or narrow the issues that are the subject of this motion.

Respectfully submitted,

MBTA POLICE DEPARTMENT
CHIEF JOSEPH C. CARTER

By their attorneys,

/s/ Mark W. Batten
Mark W. Batten
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One International Place
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Dated: December 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, either through the electronic filing process or by first-class mail, postage prepaid, this 15th day of December, 2006.

/s/Mark W. Batten
Mark W. Batten